

3 FAM 2200 APPOINTMENTS

3 FAM 2210 APPOINTMENTS

(CT:PER-711; 10-04-2013)
(Office of Origin: HR/REE)

3 FAM 2211 GENERAL POLICY

(CT:PER-711; 10-04-2013)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

- a. The Department's policy is to recruit and select the best qualified employees available, without regard to age, race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, marital status, sexual orientation, disability, genetic information, membership in an employee organization, parental status, military service, or other non-merit factor.
- b. The Department develops and maintains qualification standards for various categories of positions, publishes recruitment literature, publicizes its needs, and actively recruits to attract and examine the personnel needed for effective operation of the Foreign Service.

3 FAM 2212 BASIC REQUIREMENTS FOR EMPLOYMENT OF FOREIGN SERVICE PERSONNEL

3 FAM 2212.1 Security Investigation

3 FAM 2212.1-1 Authority

(CT:PER-711; 10-04-2013)
(State Only)
(Applies to Foreign Service Employees and Applicants)

- a. Executive Order 10450 of April 27, 1953, as amended, provides:
 - (1) The head of each department of the U.S. Government must be responsible

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for establishing and maintaining an effective program to ensure that the employment and retention of any civilian officer or employee is clearly consistent with the interests of national security; and

- (2) The appointment of each civilian officer or employee must be made subject to investigation.

b. Subchapter 3 FAM 2220 and 12 FAM 230 provides:

- (1) Every appointment made within the Department must be made subject to a full field investigation;
- (2) No sensitive position in the Department must be filled or occupied by any person for whom a full field investigation has not been conducted; and
- (3) The Bureau of Diplomatic Security, Diplomatic Security Service (DS/DSS), must conduct such investigations as may be required by the investigative responsibilities of the Secretary.

3 FAM 2212.1-2 Definitions

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

- a. "National security" relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the U.S. Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all other illegal acts designed to weaken or destroy the United States.
- b. "Sensitive position" means any position in the Department of State the occupant of which could bring about, because of the nature of the position, a material adverse effect on the national security. Guidelines for determining position sensitivity are provided in 3 FAM 2220. In view of the highly sensitive nature of the operations and activities of the Department, all positions must be considered as critical-sensitive, except for such positions as may be specifically designated otherwise by the Bureau of Diplomatic Security, Diplomatic Security Service (DS/DSS).

3 FAM 2212.1-3 Personal Data Required

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

Applicants for employment with the Department in sensitive positions, as part of the pre-employment investigative process, must submit the following forms and information for use by the Bureau of Diplomatic Security, Diplomatic Security Service (DS/DSS):

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- a. Proof of U.S. citizenship (copy of passport, birth certificate or certificate of naturalization);
- b. Form SF-86, Questionnaire for National Security Positions, which is OPM's Electronic Questionnaire for Investigations Processing (eQIP), filled out and submitted on-line. The applicant, if married, must provide in the eQIP, the name and address of the spouse's current employer or a statement that the spouse is not employed, and all addresses at which the spouse has resided since the age of 21;
- c. Form FD-258, Fingerprint Chart, signed and dated, in duplicate;
- d. Form DS-7601, if the applicant is married or cohabiting with a U.S. citizen, the candidate must submit a signed and dated DS Form 7601, Authorization to Conduct Criminal History Inquiry for Spouse or Cohabitant. This applies to all applicants except those where the spouse or cohabitant is a Department of State employee; and
- e. Foreign Spouse/Cohabitant Package: If the applicant is married or cohabiting with a non-U.S. citizen, the applicant must submit a Foreign Spouse/Cohabitant package.
- f. Applicants may also be required to submit the OF-306, Declaration for Federal Employment.

3 FAM 2212.2 Assignment Availability

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

Applicants must be willing to accept assignment to any post, foreign or domestic; this is referred to as "worldwide availability." Employees also must be willing to accept subsequent assignments to any post according to the needs of the Service. This does not apply to locally engaged staff or to persons employed for special programs and assigned to a certain post or area.

3 FAM 2212.3 Employment of Eligible Family Members

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees)

- a. It is the policy of the Department to support the employment or re-employment of spouses or domestic partners as defined in 3 FAM 1610, and other eligible family members who wish to work at posts abroad. Such employment is subject to the approval of the chief of mission (see 3 FAM 4120).
- b. Posts should routinely survey families as they arrive to determine which spouses, domestic partners, and other eligible family members desire

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employment and have skills which may be needed at the post. The usual provision for security clearances must be observed for all such appointments.

3 FAM 2213 VOLUNTARY SERVICES

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Civil Service and Foreign Service Employees)

Unless permitted by statute, voluntary services must not be accepted by the U.S. Government except in cases of sudden emergency involving the loss of human life or the destruction of property.

3 FAM 2214 EFFECTIVE DATE OF APPOINTMENT

3 FAM 2214.1 Chiefs of Mission

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees)

Appointment or assignment as chief of mission is effective on a date established in accordance with the following rules, except that the appointment or assignment cannot be effective until the appropriate commission has been issued by the President:

- a. When a person is appointed from outside the Service to a position in the Service as chief of mission, the appointment is effective either on the date the person enters on official travel status for the purpose of proceeding to a post of duty or place of temporary detail, or on the date the person enters on duties connected with the position in question, whichever date is earlier. The Department may, however, by administrative action, establish the date on which the person takes the oath of office as the effective date of appointment as chief of mission; or
- b. When a Foreign Service employee is appointed or assigned without break in service to a position as chief of mission, the appointment or assignment is effective on the date the employee enters on official travel status for the purpose of proceeding to post of duty or place of temporary detail as chief of mission. The Department may, however, by administrative action, establish the date on which the employee takes the oath of office in the new position as chief of mission as the effective date of appointment or assignment to such position.

3 FAM 2214.2 Foreign Service Officers

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees)

An appointment as a career Foreign Service Officer is effective on a date established in accordance with the following rules:

- a. When a person is appointed from outside the Service, or is reappointed or recalled, to a position in the Service as a Foreign Service Officer, the appointment, reappointment, or recall is effective either on the date the appointee enters on official travel status for the purpose of proceeding to a post of duty or the place of temporary detail, or on the date the appointee enters on duties connected with the position in question, whichever date is earlier; or
- b. When a Foreign Service employee is appointed, without a break in service, to a position as a Foreign Service Officer from a position in some other category in the Service, the appointment as a Foreign Service Officer is effective on the date the employee begins the duties of the new position.

3 FAM 2215 SUITABILITY REVIEW

3 FAM 2215.1 Final Review Panel

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to all applicants for employment in the Foreign Service, except applicants for non-career, time-limited appointments other than non-career, time-limited Foreign Service Specialist appointments)

- a. Final Review Panels (FRP) make suitability determinations for appointment of career candidates or the reappointment of a career member to the Foreign Service and for limited non-career appointments of Foreign Service Specialist candidates under Section 303 of the Foreign Service Act.
- b. After the medical examination clearance has been issued, and the background investigation is received, a candidate's entire file (except the medical records) is reviewed and evaluated by a Final Review Panel to determine the candidate's suitability for the Foreign Service under the standards set forth in 3 FAM 2215. DS will re-submit applicants to the qualifications panel (3 FAM 2216.2-3) if they are found to have falsified information on their application or are found to have disqualifying factors.
- c. Final Review Panels for the Department of State must consist of two or more assessors from the Board of Examiners, or, in the case of Diplomatic Security or Medical Specialist candidates, one of the assessors may be a subject matter expert appointed to the Final Review Panel by the Director of HR/REE/BEX. In

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the case of a candidate for appointment to the Senior Foreign Service, the FRP must consist of at least three Assessors who are career Senior Foreign Service Officers (FSO). The majority of the officers on the Senior Foreign Officer FRP, including the panel chairperson, must be career Senior FSOs.

- d. Candidates found suitable for appointment will have their names forwarded to the Bureau of Human Resources. Prior to appointment in the Foreign Service, the Department of State may, at its discretion, elect to review once again the candidate's suitability for employment should information become available that raises questions about the Final Review Panel's original suitability determination. DS will re-submit applicants to the qualifications panel if they are found to have falsified information on their application or are found to have potentially disqualifying factors.
- e. The candidacy of any candidate who is not found suitable for appointment by a Final Review Panel must be terminated and the candidate will be informed of the termination and the right to appeal. An unfavorable suitability determination for a Foreign Service candidacy other than a candidacy for a Diplomatic Security position terminates other pending Foreign Service candidacies. An unfavorable suitability determination for a Diplomatic Security candidacy will not terminate other pending, non-DS Foreign Service candidacies.
- f. Candidates not found suitable for appointment by a Final Review Panel are ineligible to apply for Foreign Service positions for a period of two years from the date of the unfavorable suitability determination.

3 FAM 2215.2 Suitability Standards for Appointment to the Foreign Service

3 FAM 2215.2-1 Applicability

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

This regulation applies to all applicants for employment in the Foreign Service, except applicants for Civil Service excursion tours (3 FAM 2150). Family member appointments (3 FAM 8219) are also subject to appropriate investigation to determine suitability for employment. Standards of conduct for continued employment in the Foreign Service are found in 3 FAM 4130.

3 FAM 2215.2-2 Purpose

(CT:PER-711; 10-04-2013)
(Uniform State/USAID)
(Applies to Foreign Service Applicants)

This regulation provides guidelines for deciding an applicant's suitability for appointment in the Foreign Service.

3 FAM 2215.2-3 Authority

3 FAM 2215.2-3(A) General

(CT:PER-711; 10-04-2013)
(Uniform State/USAID)
(Applies to Foreign Service Applicants)

Authorities include:

Sections 206 and 301 of the Foreign Service Act of 1980, as amended (22 U.S.C. §§ 3921, 3941) and 5 U.S.C. 301 authorize the Secretary of State to prescribe regulations for appointment to the Foreign Service.

3 FAM 2215.2-3(B) USAID

(CT:PER-711; 10-04-2013)
(USAID Only)
(Applies to Foreign Service Applicants)

Department of State Delegation of Authority No. 293-1, as amended, and 22 U.S.C. 2381(a) authorize the Administrator to exercise the authorities described in section 3 FAM 2215.2-3(A).

3 FAM 2215.2-4 Standard

(CT:PER-711; 10-04-2013)
(Uniform State/USAID)
(Applies to Foreign Service Applicants)

A candidate will be given an unfavorable suitability determination if termination of the candidacy will protect the integrity or promote the efficiency of the Foreign Service.

3 FAM 2215.2-5 Suitability Action Against Applicants

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

The agencies may deny suitability to an applicant for employment in the Foreign Service for any of the reasons in this sub-chapter.

3 FAM 2215.2-6 Evaluation Factors to Consider

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

When evaluating a candidate's suitability, the agencies should consider the following factors to the extent the agency, in its sole discretion, deems them pertinent to the candidate under evaluation:

- a. Whether the candidate's conduct can reasonably be expected to interfere with or prevent effective performance in the Foreign Service;
- b. Whether the candidate's conduct can reasonably be expected to interfere with or prevent effectively implementing the policies and programs of the U.S. Government, including the responsibility to present a favorable impression abroad;
- c. Whether the candidate's conduct is such that it can reasonably be expected to prevent other employees from efficiently performing their duties and responsibilities;
- d. The notoriety of the candidate's conduct;
- e. The duties and responsibilities of any position, function or service in which the candidate may serve or is serving, including its representational nature;
- f. The sensitivity of any position or function in which the candidate may serve and the security clearance required;
- g. The nature, seriousness, frequency, and the date of the conduct, including whether the candidate's conduct was voluntary, and the age of the candidate at the time the conduct occurred;
- h. Social or environmental conditions that may have affected or contributed to the candidate's conduct;
- i. The sufficiency of the candidate's efforts, if any, toward rehabilitation. The candidate's candor in discussing a matter of proper concern with appropriate authorities must be considered in evaluating the sincerity of the candidate's efforts toward rehabilitation;
- j. Whether the conduct occurred abroad or in the United States, during working hours or while off-duty, and the length of service and supervisory

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responsibilities, if any, of the candidate at the time the conduct occurred; and

- k. Any other relevant circumstances or any other relevant consideration that the candidate offers.

3 FAM 2215.2-7 Suitability Criteria

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

The following factors will be considered in determining a candidate's suitability for appointment:

- a. Any statutory or regulatory bar that prevents the candidate's lawful employment in the position in question;
- b. Misconduct or negligence in prior employment;
- c. Poor or marginal job performance in prior employment including, but not limited to, failure to learn from past mistakes, failure to interact effectively with others, and failure to adjust to new stressful situations;
- d. Criminal, dishonest, or notoriously disgraceful conduct, including a lack of financial responsibility;
- e. Any material, intentional false statement, deception, or fraud, in the examination or appointment process;
- f. Refusal to furnish testimony or information to proper authority in response to specific and relevant inquiry concerning the individual's job performance, conduct, or such other matters as:
 - (a) Qualifications for the position, function, or service under consideration or held, or
 - (b) Qualification for a security clearance.
- g. Abuse of alcohol or other intoxicants, without evidence of substantial rehabilitation, of a nature and duration that suggests that the candidate could be prevented from, or restricted in, performing the duties and responsibilities of the position or could constitute a threat to the property or safety of the candidate or others;
- h. Illegal use of narcotics, drugs, or other controlled substances, without evidence of cessation and substantial rehabilitation;
- i. Conduct that gives rise to reasonable doubt as to the candidate's loyalty to the U.S. Government;
- j. Conduct that furnishes substantial reason to believe that the candidate is, or may be, subject to coercion, improper influence, or pressure that is reasonably likely to cause the individual to act contrary to the national security or foreign relations of the United States;

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- k. Conduct that, in the opinion of competent medical authority, is evidence of an unstable personality, impaired judgment, or emotional disorder; or
- l. Conduct that clearly shows poor judgment or lack of discretion.
- m. **Specific considerations for applicants to DS Special Agent Positions.** As law enforcement officers, DS Special Agents must be able to fulfill certain law enforcement duties and responsibilities that are essential to the position. Consequently, Special Agents are subject to the following specific considerations when determining suitability:
 - (1) DS Special Agents are required to carry firearms in the course of their duties. Pursuant to 18 U.S.C. 922(g), individuals are prohibited from possessing firearms based upon any of the following: felony conviction; unlawful use of any controlled substance; having been adjudicated as being mentally defective or having been committed to a mental institution; dishonorable military discharge; conviction for the misdemeanor crime of domestic violence; or subject of a restraining order for domestic abuse. Applicants who are prohibited from possessing firearms under 18 U.S.C. 922(g) are disqualified from the position.
 - (2) DS Special Agents are prohibited from consuming alcohol while armed or any time prior to being armed sufficient to impair an agent's judgment or ability to perform his or her duties. Accordingly, current continuing use of alcohol to the point of intoxication will disqualify applicants for the position. Less serious alcohol-related conduct may also be disqualifying. Evidence of rehabilitation must be carefully considered.
 - (3) DS Special Agents' duties require them to investigate federal crimes and to testify in federal criminal proceedings where their testimony can be the key evidence against a defendant. Further, under *Giglio v. United States*, 405 U.S. 150 (1972), federal prosecutors are required to disclose any information that could potentially impeach the testimony of government witnesses, including DS Special Agents. As described in the Department of Justice's "Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses" ("Giglio Policy"), the following may be considered potential impeachment information:
 - (a) Any finding of misconduct that reflects upon the truthfulness or possible bias of the agent, including a finding of lack of candor during an administrative inquiry;
 - (b) Any past or pending criminal charge brought against the agent; and
 - (c) Any credible allegation of misconduct that reflects upon the truthfulness or possible bias of the agent that is the subject of a pending investigation.

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Potential impeachment information in an applicant's background must be carefully considered and may be disqualifying, as it may impair their ability to provide credible testimony and fulfill the duties of a DS Special Agent.

3 FAM 2215.2-8 Explanation of Certain Issues

3 FAM 2215.2-8(A) Statutory or Regulatory Bars to Foreign Service Employment

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

- a. Certain Federal statutes and/or regulations may prevent lawful employment in the Foreign Service. These include:

Examples (this list is not meant to be all inclusive):		
Issue	Debarment Period	Legal Authority
Knowing and willful failure to register with the Selective Service	Indefinite	5 U.S.C. 3328
Advocating or being a knowing member of an organization that advocates the overthrow of our constitutional form of government	Indefinite	5 U.S.C. 7311
Participating in, or asserting the right to, or being a knowing member of a Federal union that asserts the right to, strike against the U.S. Government	Indefinite	5 U.S.C. 7311
Inciting, organizing, promoting, encouraging, engaging or aiding others to engage in riots or civil disorders	5 years	5 U.S.C. 7313
Interference with elections by a member of the Armed Forces	Indefinite	18 U.S.C. 593
Unlawful trading in public property by collection or disbursing officer	Indefinite	18 U.S.C. 1901
Willful and unlawful concealment, removal, mutilation or destruction (or attempts) of	Indefinite	18 U.S.C. 2071(b)

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public records and materials		
Committing treason against the United States	Indefinite	18 U.S.C. 2381
Inciting, assisting or participating in any rebellion or insurrection against the United States	Indefinite	18 U.S.C. 2383
Knowing and willfully advocating, abetting, advising or teaching the overthrow of the United States Government or any political subdivision of the United States	5 years	18 U.S.C. 2385
Activities intended to impair the loyalty, morale or discipline of the United States Armed Forces	5 years	18 U.S.C. 2387

- b. Other federal statutes and/or regulations may prevent candidates from performing essential elements of the position to which they are applying.

Examples (this list is not meant to be all inclusive):

Issue	Consequence	Legal Authority
Felony conviction, unlawful use of any controlled substance, adjudicated as a mental defective, dishonorable military discharge, conviction for misdemeanor crime of domestic violence, or subject of restraining order for domestic abuse	Banned from shipment, transport, and possession of firearms or ammunition	18 U.S.C. 922(g)
In default on a State Department repatriation loan	Ineligible for passport	22 U.S.C. 2671 (d)(3) 22 CFR 51.60(a)(1)
Certified by the Secretary of HHS as \$2500 in arrears of child support.	Ineligible for passport	42 U.S.C. 652(k) 22 CFR 51.60(a)(2)

3 FAM 2215.2-8(B) Misconduct or Negligence in Employment

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

Misconduct or negligence need not have resulted in disciplinary action to be disqualifying. Where there was disciplinary action, the primary focus for the suitability determination will remain on the nature of the misconduct.

3 FAM 2215.2-8(C) Criminal Conduct

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

- a. Conduct which violates criminal laws, whether in the United States or abroad, may create doubt about a candidate's judgment, reliability, or trustworthiness and calls into question an individual's ability or willingness to comply with laws, rules, and regulations. The conduct need not have resulted in arrests, charges, or convictions in order for an unfavorable suitability determination to be made.
- b. Because Foreign Service employees serving abroad may enjoy certain privileges and immunities, the Foreign Service imposes an added obligation that employees scrupulously refrain from activities which, but for diplomatic privilege or courtesy, might subject the employee to local criminal sanctions. Criminal conduct prior to employment may create doubt about a candidate's ability to comply with this obligation.

3 FAM 2215.2-8(D) Dishonesty

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

Dishonesty raises questions about an individual's character that may indicate the individual's employment would not promote the efficiency of the Foreign Service or protect its integrity.

Examples (this list is not meant to be all inclusive):

- (1) Intentional lies, fraud, or deceit.
- (2) Illegal activities resulting from dishonest acts.
- (3) Intentional falsification of documents.

3 FAM 2215.2-8(E) Notoriously Disgraceful Conduct

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

Notoriously disgraceful conduct is conduct that, were it to become widely known, would embarrass, discredit, or subject to opprobrium or contempt the perpetrator, the Foreign Service, or the United States.

Examples (this list is not meant to be all inclusive):

- (1) Frequenting prostitutes.
- (2) Engaging in public sexual relations.
- (3) Spousal abuse.
- (4) Neglect or abuse of children.
- (5) Manufacturing or distributing pornography.
- (6) Entering into debts that one knows, or should have known, one could not pay.
- (7) Making use of one's position or immunity to profit or to provide favor to another or to create the impression of gaining or giving improper favor.

3 FAM 2215.2-8(F) Lack of Financial Responsibility

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

Applicants for the Foreign Service are expected to satisfy all just financial obligations and to deal responsibly with creditors to resolve disputes in a timely manner.

Examples (this list is not meant to be all inclusive):

- (1) Unwillingness to satisfy valid debts.
- (2) Indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt.
- (3) Failure to deal in good faith with alleged creditors to resolve disputes in a timely manner.
- (4) Failure to pay federal, state, or other taxes, or to file a tax return when required by law or ordinance.

3 FAM 2215.2-8(G) Material Statements and Fraud

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

- a. A material statement is one that would tend to influence or affect an official decision, even if the agency does not rely upon it.
- b. Fraud is an intentional deception.

3 FAM 2215.2-8(H) Obligation to Furnish Information on Suitability

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

Applicants are obliged to provide or authorize others to provide information relevant to a determination of suitability. Refusal, upon official notice of the purpose of the inquiry, may warrant an unfavorable suitability determination.

3 FAM 2215.2-8(I) Abuse of Intoxicants

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

- a. Abuse of alcohol or other intoxicants may negatively affect a candidate's ability to perform the duties of the position and/or raise questions about the candidate's reliability and trustworthiness. This is particularly true for members of the Foreign Service who are considered to be on duty 24 hours a day and must always be fit to respond to emergency situations.
- b. Alcohol or intoxicant abuse on the part of an applicant, in the absence of evidence of rehabilitation, will result in an unfavorable suitability determination. Rehabilitation, if present, must be carefully considered and evidence of rehabilitation must be substantial, for example, a clear, lengthy break in the pattern of abuse and strong evidence the abuse will not occur again.

Examples (this list is not meant to be all inclusive):

- (1) Current continuing use of alcohol to the point of intoxication.
- (2) Alcohol-related arrests and/or problems in employment. (Note: Less serious alcohol-related conduct may still be a concern under the criminal conduct or misconduct or negligence in employment factors.)

3 FAM 2215.2-8(J) Illegal Use of Narcotics, Drugs, or Other Controlled Substances

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

- a. In 1986, Executive Order 12564 created a drug-free federal workplace and stated that individuals who use illegal drugs are not suitable for Federal employment.
- b. Indications of illegal drug use, without evidence of cessation and rehabilitation, will be grounds for denial of appointment. The evidence of cessation and rehabilitation must include a clear, lengthy break in the pattern of use with strong evidence the use will not occur again. Cessation and rehabilitation from illegal drug use is not in itself sufficient for a favorable suitability determination, but must be evaluated together with all of the considerations listed in 3 FAM 2215.2-7.

3 FAM 2215.2-8(K) Loyalty and Security

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

All Federal employees must be loyal to the United States. When conduct raises questions of loyalty or of potential coercion, improper influence, or pressure to act contrary to the national security of foreign relations of the United States, they are normally handled under personnel security procedures (see 12 FAM 230); but when appropriate, they may be handled under suitability procedures.

3 FAM 2215.2-8(L) Sexual Behavior

(CT:PER-711; 10-04-2013)

(Uniform State/USAID)

(Applies to Foreign Service Applicants)

Conduct surrounding sexual behavior is a suitability concern when it may impede an individual's ability to perform the duties and responsibilities of the position and/or when it threatens the efficiency and integrity of the Service. The agencies recognize that, in our society, there are considerable differences of opinion in matters of sexual conduct, and that there are some matters which are of no concern to the U.S. Government.

Examples (this list is not meant to be all inclusive):

- (1) Sexual behavior of a criminal nature.
- (2) Sexual behavior or surround conduct that constitutes misconduct in employment or dishonest conduct as described elsewhere in this

chapter.

- (3) Sexual behavior that could render the individual subject to coercion, improper influence, or pressure.
- (4) Sexual behavior that creates the impression of using one's position to gain or give improper favor.

NOTE: Under 5 U.S.C. 2302(b)(10), it is a prohibited personnel practice to "discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph should prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States."

Further, under E.O. 11478, as amended, "it is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, handicap, or age..."

3 FAM 2216 METHODS OF APPOINTMENT

3 FAM 2216.1 Chiefs of Mission

3 FAM 2216.1-1 Appointment by President

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Appointees)

Chiefs of mission are appointed by the President, by and with the advice and consent of the Senate. They may be career members of the Foreign Service or they may be appointed from outside the Service.

3 FAM 2216.1-2 Recommendation of Foreign Service Officers

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Appointees)

The Secretary of State, as appropriate, furnishes the President with the names of Foreign Service Officers qualified for appointment as chiefs of mission. The names of these officers, together with pertinent information concerning them, are given to the President to assist the President in selecting qualified candidates for appointment as chiefs of mission.

3 FAM 2216.1-3 Status of Foreign Service Officers Appointed as Chiefs of Mission

(CT:PER-315; 03-26-1996)

(State Only)

(Applies to Foreign Service Employees)

Foreign Service Officers who are appointed as chiefs of mission retain their status as Foreign Service Officers.

3 FAM 2216.2 Entry Level Foreign Service Officer Career Candidate Appointments

3 FAM 2216.2-1 General Considerations

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

- a. **Authority:** Pursuant to sections 302 and 306 of the Foreign Service Act of 1980 (hereafter referred to as the Act), all Foreign Service Officers must be appointed by the President, by and with the advice and consent of the Senate. All appointments must be made to a class and not to a particular post. No person should be eligible for appointment as a Foreign Service Officer unless that person is a citizen of the United States. Such appointment is initially to career candidate status pursuant to section 309 of the Act with subsequent commissioning to career status governed by the provisions of 3 FAM 2240.
- b. **Veterans' preference:** Pursuant to section 301 of the Act, the fact that an applicant is a veteran or disabled veteran, as defined in section 2108 of Title 5, must be considered as an affirmative factor in the selection of candidates for appointment as Foreign Service Officer career candidates.
- c. **Policy:** Appointment as an Entry Level Foreign Service Officer career candidate of class 6, 5, or 4, is governed by these regulations. Successful applicants will be appointed as career candidates for a period not to exceed 5 years. Under precepts of the Commissioning and Tenure Board, career candidates may be granted tenure and converted to career Foreign Service Officer status. Those who are not granted tenure prior to the expiration of their career candidate appointments will be separated from the Foreign Service no later than the expiration date of their appointments. Separated candidates who originally were employees of an agency and who accepted a limited appointment to the Foreign Service with the consent of the head of the agency in which they were employed will be entitled to reemployment rights in their former agency under section 310 of the Act.

3 FAM 2216.2-2 Foreign Service Officer Test

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

The following regulations apply to the written test:

- a. **Purpose:** The Foreign Service Officer Test is designed to enable the Board of Examiners of the Foreign Service to test the applicant's knowledge, skills, and abilities, including writing skills, that are necessary to the work of a Foreign Service Officer.
- b. **Eligibility:** Before each Foreign Service Officer Test, the Board of Examiners will establish a closing date for the receipt of applications for designation to take the test. No person will be designated to take the test who has not, as of that closing date, filed an application with the Board. To be designated to take the Foreign Service Officer Test, an applicant, as of the date of the test, must be a citizen of the United States and at least 20 years of age.
- c. **When and where given:** The Foreign Service Officer Test will be given periodically, in designated cities in the United States and at selected Foreign Service posts, on dates established by the Board of Examiners and publicly announced.
- d. **Scoring:** The several parts of the test will be weighted and scored according to standards established by the Board of Examiners. The number of candidates who pass each test will be governed by the projected hiring needs of the Foreign Service. The Board of Examiners may adjust the passing score of the Foreign Service Officer Test to reflect the projected hiring needs of the Foreign Service.

3 FAM 2216.2-3 Qualifications Evaluation Panel

3 FAM 2216.2-3(A) Purpose

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

The Qualifications Evaluation Panel is designed to enable the Board of Examiners for the Foreign Service to review each candidate's file and evaluate it against established precepts of successful Foreign Service Officer performance. The Panel rank orders candidates within each career track.

3 FAM 2216.2-3(B) Eligibility

(CT:PER-711; 10-04-2013)

(State Only)

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(Applies to Foreign Service Applicants)

Candidates whose score on the Foreign Service Officer Test is at or above the passing level set by the Board of Examiners will be asked to submit their responses to Personal Narrative Questions. The questions, linked to the Foreign Service performance precepts, are designed to elicit specific examples of past performance where the candidate demonstrated the requisite precept.

3 FAM 2216.2-3(C) When Administered

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

The Board of Examiners of the Foreign Service holds one session of the Qualifications Evaluation Panels following each Foreign Service Officer Test.

3 FAM 2216.2-3(D) Evaluation Panel

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

Qualifications Evaluation Panels are career track specific and will be staffed by panelists approved by the Staff Director of the Board of Examiners from a roster of qualified active duty and retired Foreign Service Officers. Panels should be chaired, to the degree possible, by a career Officer of the Foreign Service who is preferably an Officer in that career track. Determinations of duly constituted panels are final.

3 FAM 2216.2-3(E) Scoring

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

Candidate files will be scored numerically according to standards established by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Staff Director will be continued. The candidacy of anyone whose score is below the passing level will be terminated and may not be considered again until the candidate has passed a new Foreign Service Officer Test. The Staff Director sets the passing score for each Qualifications Evaluation Panel based on the projected hiring needs of the Foreign Service. All candidates exempt from the Foreign Service Officer Test, except Mustang applicants (see 2216.2-4(B)(b)), are also exempt from review by the Qualifications Evaluation Panel.

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The Board of Examiners may authorize special consideration to be given in the Qualifications Evaluation Panel review of candidates, e.g., demonstrating language ability, which the Board may approve and publicly announce.

3 FAM 2216.2-4 Foreign Service Officer Oral Assessment (FSOA)

3 FAM 2216.2-4(A) Purpose

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

The oral assessment is designed to enable the Board of Examiners of the Foreign Service to test the candidate's ability to demonstrate the qualities or dimensions that are essential to the successful performance of Foreign Service work. The oral assessment for the Entry Level Foreign Service Career Candidate Program will consist of an assessment procedure publicly announced by the Board of Examiners and hereinafter referred to as the oral assessment (FSOA).

3 FAM 2216.2-4(B) Eligibility

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

- a. Through the Foreign Service Officer Test and Qualifications Evaluation Panel (QEP) review:
 - (1) Candidates who pass the Foreign Service Officer Test and whose score on the Qualifications Evaluation Panel review is at or above the passing level set by the Staff Director of the Board of Examiners (or his or her designee) will be invited to take the oral assessment.
 - (2) Candidates who are selected to take the oral assessment will be notified of the window of time after the Qualifications Evaluation Panel review, as determined by the Board of Examiners, within which the candidate should take the oral assessment. Candidates may schedule outside the designated window but must schedule within 12 months of receiving their invitation unless they have received an extension of time. Candidates may request an extension of up to an additional 12 months to take their oral assessment. Active duty military have unrestricted time to take an Oral Assessment if they notify the Board of Examiners of their active duty status.
 - (3) Failure to take the oral assessment within 12 months of the invitation to an oral assessment will result in the cancellation of the candidacy, unless the candidate has requested and obtained an extension of eligibility, as noted

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above.

- (4) The candidacy of anyone for whom the scheduling period is extended by the Board because of being abroad will be terminated automatically if the candidate fails to appear for the oral assessment within 3 months after first returning to the United States.
- (5) If a candidate fails to appear for the oral assessment on an agreed date within the period of eligibility, the candidacy will automatically be terminated. Requests to reschedule will be considered on a case-by-case basis to be decided by the HR/REE Director or his/her designee.

b. Through the Mustang Program:

Career employees of the Department of State in classes FS-6 and above or grades GS-5 and above who are at least 21 years of age and who have at least three years of service with the Department may be selected by the Board of Examiners for admission to the oral assessment for entry-level officers under the Mustang Program of the Department. Candidates for the Mustang Program must:

- (1) Have a bachelor's or advanced degree relevant to the functions of the Foreign Service or take the Foreign Service Officer Test (FSOT) and obtain a passing score;
- (2) Complete an approved Foreign Service Institute, university or correspondence course comparable in difficulty and duration to one college semester and related to the general functional cone that the candidate wishes to enter. The degree required in paragraph (1) can also fulfill this requirement if applicable to the selected career track;
- (3) Submit the required Personal Narratives Questions of up to 250 words each, addressing the candidate's substantive knowledge and intellectual, interpersonal, communication, management and leadership skills;
- (4) Sign an agreement on provisions to attain tenure; and
- (5) Be recommended by a Qualifications Evaluation Panel of the Board of Examiners for the oral assessment.
- (6) As with all applicants who pass the oral assessment, Mustang applicants are subject to final suitability review (provisions of 3 FAM 2215 apply) and must successfully update or obtain security and medical clearances.

c. Through a Mid-Level Conversion Program:

Employees of the Department of State in class GS-13 and above are eligible to apply to enter the Foreign Service through a mid-level conversion program (see 3 FAM 2216.3).

d. Through Other Programs:

- (1) Under programs established pursuant to Section 105 (d)(1) of the Foreign Service Act of 1980, which address diversity within the Foreign Service.

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- (2) Under any other special entry programs created by the Department to meet specific needs of the Foreign Service.

3 FAM 2216.2-4(C) When and Where Given

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

The oral assessment will be held intermittently in Washington, DC, and may also be held in other selected cities in the United States or abroad as necessary.

3 FAM 2216.2-4(D) Evaluation Panel

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

- a. The oral assessment will be given by a panel of assessors approved by the Board of Examiners from a roster of active duty and retired Foreign Service officers.
- b. Service as an assessor must be limited to a maximum of 5 years unless a further period is specifically authorized by the Board. Normally assessment panels must be chaired by a career officer of the Foreign Service, trained in personnel testing and evaluation. Determinations of duly constituted panels of assessors are final unless modified by specific action of the Board of Examiners.

3 FAM 2216.2-4(E) Scoring

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

Candidates taking the oral assessment will be scored numerically according to standards established and publicly announced by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Board will be continued. The candidacy of anyone whose score is below the passing level will be terminated.

3 FAM 2216.2-5 Background Investigation

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

Candidates who pass the oral assessment will be subject to a background investigation. The background investigation must be conducted to determine the

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candidate's eligibility for a security clearance and serves as the basis for determining suitability for appointment to the Foreign Service.

3 FAM 2216.2-6 Medical Examination

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

Candidates who pass the oral assessment and receive a conditional offer of employment must undergo a medical examination. Relevant provisions of 16 FAM 210 (Medical Clearances) apply.

3 FAM 2216.2-7 Final Review Panel

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

After the medical examination clearance has been issued and the background investigation is received, the candidate's entire file (minus the medical records) will be reviewed and evaluated by a Final Review Panel to determine the candidate's suitability for the Foreign Service. All provisions of 3 FAM 2215 - Suitability Review – apply. DS will re-submit applicants to the qualifications panel if they are found to have falsified information on their application or are found to have disqualifying factors.

3 FAM 2216.2-8 Certification for Appointment

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

a. Eligibility:

- (1) A candidate will not be certified as eligible for appointment as a Foreign Service Officer career candidate unless that candidate is at least 21 years of age and a citizen of the United States.
- (2) Except for preference eligible individuals, career candidate appointments must be made before the candidate's 60th birthday. (Preference eligible individuals must be appointed before their 65th birthday.) The maximum age for appointment under this program is based on the requirement that all career candidates must be able to:
 - (a) Complete at least two full tours of duty, exclusive of orientation and training;
 - (b) Complete the requisite eligibility period for tenure consideration; and
 - (c) Complete the requisite eligibility period to receive retirement benefits,

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before reaching the mandatory retirement age of 65 as prescribed by the Act.

- (3) A candidate may be certified as eligible for direct appointment to classes FS-6, FS-5, or FS-4 based on established criteria.
- (4) Employees who receive a career-conditional appointment, i.e., who are untenured, have five years to obtain tenure. These appointments, including the appointment of an individual who is the employee of any agency, may not exceed five years in duration, and may not be renewed or be extended beyond five years. A candidate denied tenure under 3 FAM 2250 may not be reappointed as a career candidate to become a generalist.
- b. **Functional rank-order registers:** The Board of Examiners maintain separate rank-order registers for career candidates in consular, economic, management, public diplomacy and political functions within the Department of State. Appointments from each functional register will be made in rank order according to hiring needs.
- c. **Special programs:** Mustang career candidates who are career employees of the Department of State will be certified by the Board of Examiners for direct appointment on an individual basis after satisfactorily completing all aspects of the assessment process.
- d. **Foreign language requirement:** Candidate may be certified for appointment to classes FS-6, FS-5, or FS-4 without first having passed an examination in a foreign language, but the appointment will be subject to the condition that the newly appointed career candidate may not be converted to career Foreign Service Officer status unless, within a specified period of time, adequate proficiency in a foreign language is achieved.

3 FAM 2216.2-9 Termination of Eligibility

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

- a. **Time limit:** Candidates who have qualified but who have not been appointed because of lack of openings will be removed from the rank-order register 18 months after the date of placement on the rank-order register. Time spent in civilian Federal Government service abroad (to a maximum of two years of such service), including Peace Corps volunteer service, or active regular or reserve military service (no maximum established), will not be counted as part of the 18-month eligibility period.
- b. **Extension:** The Board of Examiners may extend the eligibility period when such extension is, in its judgment, justified in the interest of the Foreign Service.

3 FAM 2216.2-10 Travel Expenses

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Employees and Applicants)

Travel and other personal expenses incurred by candidates to take the Foreign Service Officer Test and oral assessment will generally not be borne by the U.S. Government.

3 FAM 2216.3 Mid-Level Foreign Service Officer Career Candidate Appointments to Generalist Skills Codes

3 FAM 2216.3-1 General Considerations

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to State Department Civil Service Employees and Foreign Service Specialist Employees)

- a. The Department of State may supplement the Entry Level Foreign Service Officer Career Candidate Program through a Mid-Level Entry Program, designed to meet staffing requirements at the mid-level.
- b. This section governs appointments to generalist occupational categories (that is, consular, economic, management, political and public diplomacy skill codes) at classes FS-3, FS-2, or FS-1. All appointments above FS-1, regardless of occupational category, are governed by 3 FAM 2217. Appointments to specialist occupational categories below the Senior Foreign Service are governed by 3 FAM 2218.
- c. This section does not cover conversion within the Department of State to Foreign Service which is addressed in 3 FAM 2216.3-2 Mid-Level Conversion.
- d. Criteria: Eligibility requirements, selection criteria, and process for a Mid-Level Entry Program will be determined by the Director General, based on the needs of the service and guidance provided by the staff of the Board of Examiners, and HR/CDA, as necessary. Any program developed under this authority would be vetted with concerned parties, including AFSA. Successful applicants under a Mid-Level Entry Program will be subject to the same medical, security, suitability and tenuring requirements as entry-level officers (see 3 FAM 2216.2).

3 FAM 2216.3-2 Mid-Level Conversion

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to State Department Civil Service Employees and Foreign Service

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Specialist Employees)

- a. Purpose: The HR/REE administered assessment is designed to enable the Board of Examiners to determine a candidate's aptitude for the work of the Foreign Service at the mid-level cone and grade for which he or she has applied, and his or her potential to be promoted and succeed over a normal career span.
- b. When and where given: The assessment for mid-level candidates will normally be offered only in Washington, DC, at specified periods during the year. At the discretion of the Board of Examiners, it may be given in other U.S. cities selected by HR/REE, or abroad when necessary for candidates serving overseas in Department of State positions.
- c. Assessment procedures:
 - (1) The Board of Examiners (BEX) will convene panels to review completed conversion applications, determine those recommended for conversion, and provide a rank ordered list of all individuals competing for designated positions. The panels will include two BEX assessors and, when possible, a member from the affected skill code who is at least one rank higher than the position where the conversion opportunity exists.
 - (2) The BEX panels consider the applications for positions in each particular skill code, including:
 - (a) The complete file forwarded by HR/CDA;
 - (b) Personal narratives, written in a proctored setting, that enable candidates to discuss their experience and qualifications, linked to the Foreign Service promotion precepts; and
 - (c) A one-hour interview designed to assess oral communication skills, and ability in the other precept skills, as well as the candidate's relevant experience.
 - (3) Using criteria based on the Foreign Service mid-level promotion precepts, the panels will score each component of the assessment (performance file, writing exercise, and interview) and combine them to produce a total score that will be used to determine those recommended for conversion and their rank order for each conversion opportunity. Once placed on a register, candidates will be permitted to stay on the register for one subsequent skill code conversion season, thereby allowing them the choice of competing again during the following cycle should they not be offered conversion during the first year. They will also be permitted to apply again should they wish to attempt to increase their score and consequently their relative ranking on the register. Those candidates who pass the BEX assessment and are placed on the register, but are not subsequently offered conversion will be notified by CDA. BEX will inform those candidates not recommended for conversion based on the evaluation process described above.

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- (4) BEX will submit the rank ordered lists of those recommended for conversion to the Skill Code Change/Conversion Coordinator in HR/CDA. Based on the number of opportunities at each skill code and grade recommended by HR/RMA and approved by the director General, HR/CDA will determine who may be offered the opportunity to convert. HR/CDA will recommend those individuals to the Director General for approval for conversion.
- (5) **Background investigation:** Mid-level applicants who pass the conversion assessment may need an additional background investigation in order to maintain their candidacies for possible appointment.
- (6) **Medical examination:** Mid-level civil service candidates who pass the conversion assessment and receive a conditional offer of employment must undergo a medical examination. Relevant provisions of 16 FAM 210 (Medical Clearances) apply.
- (7) **Final Review Panel:** After the medical examination clearance has been issued and the background investigation is received, a civil service candidate's entire file (minus the medical records) will be reviewed and evaluated by a Final Review Panel to determine the candidate's suitability for the Foreign Service. All provisions of 3 FAM 2215 - Suitability Review – apply. DS will re-submit applicants to the qualifications panel if they are found to have falsified information on their application or are found to have disqualifying factors.
- (8) Appointment offers for mid-level career candidates: HR/REE must offer candidates, approved by the final suitability review board, appointments as career candidate mid-level officers based on Department hiring needs according to the rank-ordered list of eligible hires.

3 FAM 2216.4 Limited Non-Career Appointments

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to State Department Foreign Service Employees and Applicants)

Consistent with Section 303 of the Foreign Service Act (22 U.S.C. 3943), the Secretary of State may also appoint Civil Service employees and other individuals to the Foreign Service, and, consistent with Section 309 of the Foreign Service Act (22 U.S.C. 3949), such appointments may include limited non-career appointments (LNAs). After meeting the job specific requirements, candidates must meet the same medical, security, and suitability requirements as all other candidates.

Limited non-career appointments are covered under 3 FAM 2290.

3 FAM 2217 SENIOR FOREIGN SERVICE OFFICER CAREER CANDIDATE APPOINTMENTS

3 FAM 2217.1 General Considerations

(CT:PER-711; 10-04-2013)

(Applies to Foreign Service Employees and Applicants)

- a. **Authority:** Career officers at the senior level normally must be appointed as the result of promotion of mid-level career officers. Where the needs of the Foreign Service at the senior-level cannot otherwise be met by this approach, a set number of appointments, as determined by the Director General based on a recommendation from Resource Management and Organization Analysis (HR/RMA), may be granted to applicants as senior career candidates, but qualified by sections 305(b). As required by section 305(b) of the Foreign Service Act of 1980, the appointment of an individual in the Senior Foreign Service must not cause the number of members of the Senior Foreign Service serving under those appointments to exceed 5 percent of the total members of the Senior Foreign Service.
- b. **Duration:** Successful applicants under the senior-level career candidate program will receive a career candidate appointment for a period not to exceed 5 years. Such limited career candidate appointments may not be renewed or extended beyond 5 years.
- c. **Separated Candidates:** Under section 306 of the Act, senior career candidates may be found qualified to become career members of the Senior Foreign Service. Those who are not found to be so qualified before the expiration of their limited appointments will be separated from the Foreign Service no later than the expiration date of their appointments. Separated candidates who originally were employees of an agency and who accepted a limited appointment to the Foreign Service with the consent of the head of the agency in which they were employed will be entitled to reemployment rights in their former agency under section 310 of the Foreign Service Act.
- d. **Criteria:** Eligibility requirements, selection criteria, and process for a Senior-Level Entry Program will be determined by the Director General, based on the needs of the Foreign Service and guidance provided by the staff of the Board of Examiners, and HR/CDA, as necessary. Any program developed under this authority would be vetted with concerned parties, including AFSA. Successful applicants under a Senior-Level Entry Program will be subject to the same medical, security, suitability and tenuring requirements as entry-level officers (see 3 FAM 2216.2).
- e. The following regulations must be utilized in conjunction with 3 FAM 2260, The Senior Foreign Service Officer Career Candidate Program.

3 FAM 2217.2 Senior-Level Career Candidate Appointments

3 FAM 2217.2-1 Eligibility Requirements

(CT:PER-711; 10-04-2013)

(Applies to Foreign Service Employees and Applicants)

Senior career candidates must meet the following eligibility requirements:

- a. **Citizenship:** Each person appointed as a senior career candidate must be a citizen of the United States.
- b. **Age:** Except for preference eligible individuals, all career candidate appointments must be made before the candidate's 60th birthday. (Preference eligible individuals must be appointed before their 65th birthday.) The maximum age for appointment under this program is based on the requirement that all career candidates must be able to:
 - (1) Complete at least two full tours of duty, exclusive of orientation and training;
 - (2) Complete the requisite eligibility period for tenure consideration; and
 - (3) Complete the requisite eligibility period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.
- c. **Service:** Any Senior-Level Entry Program may establish professional work experience and the job relatedness of the candidate's knowledge, skills and abilities as part of the selection criteria.

3 FAM 2218 FOREIGN SERVICE SPECIALIST APPOINTMENTS

3 FAM 2218.1 General Considerations

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

- a. This section governs the appointment by the Department of State of Foreign Service specialist career candidates to classes FS-1 and below. Specialist candidates comprise all candidates for career appointment in all occupational categories other than generalist categories (that is, management, consular, economic, public diplomacy and political), who are governed by the regulations respecting Foreign Service Officer career candidates (see 3 FAM 2216). The appointment of all senior Foreign Service career candidates regardless of occupational category is governed by 3 FAM 2217. Regulations governing

tenuring of specialist candidates are found in 3 FAM 2250.

- b. Veterans' preference must apply to the selection and appointment of Foreign Service specialist career candidates.

3 FAM 2218.2 Specialist Career Candidate Appointments

3 FAM 2218.2-1 Certification of Need

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

- a. Candidates for appointment as specialist career candidates must be available for worldwide service and must have a professional or a functional skill for which there is a continuing need in the Foreign Service. No applicant should be appointed for which there is no certified need established at a specific grade level. Either the Director General can determine in advance which specialties are routinely or frequently in shortage or need periodic recruitment through publicly posted vacancy announcements, or the Director General may certify that there is a need for an applicant in a specific specialist category and at a specific grade.
- b. Candidates who receive a career candidate appointment, i.e., who are untenured, have four years with the possibility of five years (see 3 FAM 2251.3) to obtain tenure. These appointments, including the appointment of an individual who is the employee of any agency, may not exceed five years in duration, and may not be renewed or be extended beyond five years. A specialist candidate denied tenure under 3 FAM 2250 generally may not be reappointed as a career candidate in the same occupational category.

3 FAM 2218.2-2 Eligibility

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

An applicant must be a citizen of the United States and at least 20 years of age. The minimum age for appointment as a career candidate is 21. Except for preference eligible candidates, all career candidate appointments must be made before the candidate's 60th birthday. Preference eligible candidates may be appointed up to their 65th birthday. The maximum age for appointment under this program is based on the requirement that all career candidates must be able to:

- (1) Complete at least two full tours of duty, exclusive of orientation and training;

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- (2) Complete the requisite eligibility period for tenure consideration; and
- (3) Complete the requisite eligibility period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.

3 FAM 2218.2-3 Screening

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

- a. Specialist career candidates will be screened initially on the basis of education and experience.
- b. Based on a job analysis the Board of Examiners, in coordination with any bureau responsible for the specialty, will identify and/or approve the knowledge, skills, abilities required to perform successfully the tasks and duties of Foreign Service specialists in each functional field. Assessors working for the Board of Examiners will screen applications under those approved criteria and select those who meet the requirements to invite to an oral assessment.

3 FAM 2218.2-4 Oral Assessment

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

Candidates are selected for an oral assessment through an initial screening process. The oral assessment will be given by a panel of assessors, at least one of whom will be proficient in the Foreign Service functional field for which the candidate is being tested. The examination may include a writing assessment. Candidates taking the oral assessment will be graded numerically according to standards set by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Board will be continued. The candidacy of anyone whose score is below the passing level will be terminated. The candidate may only reapply after the first year anniversary date of the original application.

3 FAM 2218.2-5 Background Investigation

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

As with officer candidates, specialist candidates who pass the oral assessment will be subject to a background investigation. The background investigation must be conducted to determine the candidate's eligibility for a security clearance and serves as the basis for determining suitability for appointment to the Foreign Service (see 3 FAM 2216.2-5 Background Investigation).

3 FAM 2218.2-6 Medical Examination

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

Candidates who pass the oral assessment, and receive a conditional offer of employment must undergo a medical examination. Relevant provisions of 16 FAM 210 (Medical Clearances) apply.

3 FAM 2218.2-7 Final Review Panel

(CT:PER-711; 10-04-2013)

(State Only)

(Applies to Foreign Service Applicants)

After the medical examination clearance has been issued and the background investigation is received, the candidate's entire file (minus the medical records) will be reviewed and evaluated by a Final Review Panel to determine the candidate's suitability for the Foreign Service. All provisions of 3 FAM 2215 - Suitability Review – apply. DS will re-submit applicants to the qualification panel if they are found to have falsified information on their application or are found to have disqualifying factors.

3 FAM 2219 UNASSIGNED